

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1751 – SB 2249

March 29, 2016

SUMMARY OF ORIGINAL BILL: Deletes and rewrites Tenn. Code Ann. § 49-6-815 relative to individuals who may possess a handgun on school grounds. Defines “person” as “a school board member, trustee, administrator, employee, independent contractor, volunteer, or other person affiliated with a public or private K-12 school.” Authorizes local education agencies and the board of directors of a private school to authorize any qualified person to carry a handgun on the grounds of, or in the various buildings of the school or schools with which the person is affiliated. If an LEA or private school decides to permit handguns on school property, it shall also determine whether the method of carry shall be open or concealed, or both. An LEA or board of directors of a private K-12 school may also approve any person to carry a handgun on property or in vehicles owned and operated by the school or at other locations within the control of the LEA of the LEA or private school while the location or vehicle is being used by the school for educational, recreational, athletic, or other purpose.

If students are traveling for a school-related activity that is located outside of their home LEA or private school campus, the director of schools or board of directors of the private school may seek permission from the other LEA or private school to which students are traveling to request permission that authorized persons are allowed to carry their handguns to and from the event and on the campus or property of the other LEA or private school. If the other LEA or private school grants consent, then the director of schools or private school administrators shall send a list of persons authorized to carry handguns for the particular school activity to the other LEA or private school.

In order to qualify to carry a handgun pursuant to this bill, a person shall do the following: 1) notify the appropriate administrators of the LEA, public school, and private school of their desire to carry a handgun on campus; have, at the time of notification, a valid handgun carry permit issued by the state pursuant to Tenn. Code Ann. § 39-17-1351; not be prohibited from carrying a firearm under state or federal law; and have successfully completed any additional training designed required by the LEA or private school.

The cost of handgun carry permits and associated training shall be at the expense of the private individual. Requires the principal or administrative head of each public and private school on which handguns are authorized to be carried to compile a list of persons that are authorized to carry a firearm and transmit this list to the appropriate law enforcement agency.

States that nothing in Tenn. Code Ann. § 49-3-315 shall be construed to require an LEA or law enforcement agency to assign or provide funding for a school resource officer (SRO) to any city school system within that county on the basis of the Weighted Full-Time Equivalent Average Daily Attendance (WFTEADA), as defined by Tenn. Code Ann. § 49-3-302. The provision of

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security or SROs by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that would require apportionment funding in accordance with the provisions of Tenn. Code Ann. § 49-3-15 relative to local tax levies in counties with multiple LEAs.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Expenditures - \$7,300/Incarceration*

SUMMARY OF AMENDMENT (015169): Deletes and rewrites the bill such that the substantive changes are: (1) to define a “distressed rural county” as a county that qualifies as an “eligible county” pursuant to Tenn. Code Ann. § 67-6-104 relative to the apportionment of sales and use tax revenue for commercial districts; (2) to remove private schools from the provisions of the bill as amended; (3) to require that if a local education agency (LEA) authorizes handguns to be carried on school property that such entities shall limit the number of individuals authorized to carry a handgun to one person for every 100 students enrolled at the school; (4) to require persons who are authorized to carry a handgun on public school property to undergo 40 hours of training that is approved by the Peace Officer Standards and Training (POST) Commission; (5) directs that the legislation shall only be applicable in distressed rural counties as defined by the amended bill; and (6) to exempt handgun carry permittees who are authorized to carry handguns on secondary school campuses pursuant to the bill as amended from the provisions of Tenn. Code Ann. § 39-17-1309 relative to weapons offenses on school grounds.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- LEAs that choose to allow eligible handgun permit holders to carry handguns on school grounds and in vehicles will make such policies and transmit the appropriate information to law enforcement in the normal course of business.
- LEAs will not pay for the cost of permits, training, or purchase of handguns for individuals who wish to carry handguns on school grounds or vehicles, as permitted.
- No change in the resources that are apportioned in accordance with the provisions of Tenn. Code Ann. § 49-3-315 relative to local tax levies in counties with multiple LEAs.
- No significant increase in the number of handgun permits issued.
- Statistics from the Department of Correction (DOC) show an average of two admissions each year for the past five years for carrying a weapon on school property. The specifics

of these admissions are unknown, but it is reasonably estimated that the bill as amended will result in one fewer admission every five years.

- The average time served for a Class E felony is 1.47 years or 536.92 days.
- According to DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- The annualized decrease in state incarceration costs is estimated to be \$7,273.12 [(536.92 days x \$67.73) / 5].
- Based on information from the POST Commission, individuals who wish to be authorized to carry a handgun on a public school campus will take a class on school policing that has been approved by the POST Commission.
- The POST Commission does not receive revenue as a result of individuals taking POST-approved courses and does not charge to approve such courses. As a result, any fiscal impact to the POST Commission is estimated to be not significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee" followed by the letters "RNC" in a smaller, slanted script.

Krista M. Lee, Executive Director

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